

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration of this application in view of the following remarks.

The Office at 1 states:

1. This application has been examined. Claims 1-73 are pending. Informational disclosure statements filed October 24, 2003, and July 27, 2004, have been considered. This action is in response to an election of species requirement filed November 8, 2006. Applicant's election of the species of figure 36 (without traverse) is noted. Claims 39, 53, and 59 drawn to the elected species of Figures 31-35 have been withdrawn from consideration. An action on the merits of claims 1-38, 40-52, 54-58 and 60-73 is included in this office action.

Claim 69 Rejection - 35 USC §112

The Office at 3 states:

3. Claim 69 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 68 is an apparatus claim upon which "method claim 69" depends?

Applicant wishes to thank the Examiner for pointing out this typographical error. Claim 69 as currently amended depends on the apparatus of claim 68. Applicant respectfully requests removal of this rejection.

Claims 1- 8, 12-19, 21-36, 40-52, 54-58, 60, 62, 68, 69 (as understood) and 70-73 Rejections - 35 USC §102(b) - Schoellhorn

The Office at 5 states:

5. Claims 1-8, 12-19, 21-36, 40-52, 54-58, 60, 62, 68, 69 (as understood) and 70-73 are rejected under 35 U.S.C. 102(b) as being

anticipated by Schoelhorn et al. in Figure 1. Schoelhorn et al (column 4, lines 11+) clearly show an apparatus including a conduit (expandable and contractible) 42 which telescopes within conduit 30 responsive to valved 50 air pressure from air tank 46. A recreational vehicle in which includes both black water and gray water tanks is shown. With regard to claim 71, the cap 54 acts as a valve on the second end.

Applicant's independent claim 1 recites:

1. An apparatus for transferring fluids comprising an axially expandable and collapsible conduit fixedly attached at one end and extendible at the other end allowing said transferring fluids from said fixed end to said extendible end and wherein expansion of said conduit is performed by an increased gas pressure applied to inside of said conduit and where contraction of said conduit is performed by a decreased gas pressure applied to inside of said conduit.

[Emphasis added.]

Applicant submits that Schoellhorn fails to disclose the limitation of one end being fixedly attached as Applicant has claimed.

Applicant submits that because Schoellhorn fails to disclose this limitation that Schoellhorn cannot anticipate what Applicant has claimed. Applicant respectfully requests allowance of independent claim 1, and claims 2-5 which are dependent on claim 1.

Applicant's independent claim 6 recites

6. An apparatus for waste evacuation having an extendible conduit for waste transfer, a nozzle assembly having a fitting attached to said extendible conduit, and a valve assembly within said nozzle assembly which allows for control of said waste transfer from said extendible conduit through said nozzle assembly.

[Emphasis added.]

Applicant submits that Schoellhorn fails to disclose the limitation of nozzle assembly having a fitting attached to said extendible conduit as Applicant has claimed.

Applicant submits that because Schoellhorn fails to disclose this limitation that Schoellhorn cannot anticipate what Applicant has claimed. Applicant respectfully requests allowance of independent claim 6, and claims 7-8, 12-19, and 21 which are dependent on claim 6.

Applicant's independent claim 22 recites

22. An apparatus for controlling a waste flow, said apparatus comprising:

a nozzle assembly having a valve;

a fitting coupled to said nozzle assembly; and

an extendible hose coupled to said fitting, such that said valve may be operated to control said waste flow from said extendible hose through said nozzle assembly.

[Emphasis added.]

Applicant submits that Schoellhorn fails to disclose the limitation of a nozzle assembly having a valve as Applicant has claimed.

Applicant submits that because Schoellhorn fails to disclose this limitation that Schoellhorn cannot anticipate what Applicant has claimed. Applicant respectfully requests allowance of independent claim 22, and claims 23-24 which are dependent on claim 22.

Applicant's independent claim 25 recites

25. An apparatus comprising:

means for controlling waste flow, said means for controlling waste flow including a valve; and

means for conveying waste to said means for controlling waste flow, said means for conveying waste including an extendible and retractable conveying means.

[Emphasis added.]

Applicant submits that Schoellhorn fails to disclose the limitation of means for conveying waste to said means for controlling waste flow as Applicant has claimed.

Applicant submits that because Schoellhorn fails to disclose this limitation that Schoellhorn cannot anticipate what Applicant has claimed. Applicant respectfully requests allowance of independent claim 25, and claims 26-31 which are dependent on claim 25.

Applicant's independent claim 32 recites

32. An apparatus comprising:

a waste source having an outlet; and

an extendible hose having two ends, wherein a first end of said extendible hose is attached to said outlet and a second end of said extendible hose has a cover.

[Emphasis added.]

Applicant submits that Schoellhorn fails to disclose the limitation of a first end of said extendible hose is attached to said outlet as Applicant has claimed.

Applicant submits that because Schoellhorn fails to disclose this limitation that Schoellhorn cannot anticipate what Applicant has claimed. Applicant respectfully requests allowance of independent claim 32, and claims 33-34 which are dependent on claim 32.

Applicant's independent claim 35 recites

35. An apparatus for controlling waste flow comprising:

a nozzle assembly having a fitting at a first end of said nozzle assembly, a nozzle at a second end of said nozzle assembly, and a valve positioned between said first and second end of said nozzle assembly; and

an extendible hose coupled to said fitting, such that said valve may be operated to control said waste flow from said extendible hose through said nozzle.

[Emphasis added.]

Applicant submits that Schoellhorn fails to disclose the limitation of a valve positioned between said first and second end of said nozzle assembly as Applicant has claimed.

Applicant submits that because Schoellhorn fails to disclose this limitation that Schoellhorn cannot anticipate what Applicant has claimed. Applicant respectfully requests allowance of independent claim 35, and claim 36 which is dependent on claim 35.

Applicant's independent claim 40 recites

40. An apparatus for waste evacuation comprising a flexible conduit for conveying waste wherein one end of said flexible conduit is permanently attached and another end of said flexible conduit is extendible in distance.

[Emphasis added.]

Applicant submits that Schoellhorn fails to disclose the limitation of one end of said flexible conduit is permanently attached as Applicant has claimed.

Applicant submits that because Schoellhorn fails to disclose this limitation that Schoellhorn cannot anticipate what Applicant has claimed. Applicant respectfully requests allowance of independent claim 40, and claims 41-45 which are dependent on claim 40.

Applicant's independent claim 46 recites

46. An apparatus for waste evacuation comprising a flexible conduit for conveying waste wherein one end of said flexible conduit is substantially permanently attached and another end of said flexible conduit is extendible in distance.

[Emphasis added.]

Applicant submits that Schoellhorn fails to disclose the limitation of one end of said flexible conduit is substantially permanently attached as Applicant has claimed.

Applicant submits that because Schoellhorn fails to disclose this limitation that Schoellhorn cannot anticipate what Applicant has claimed. Applicant respectfully requests allowance of independent claim 46, and claims 47-50 which are dependent on claim 46.

Applicant's independent claim 51 recites

51. An apparatus for waste evacuation comprising a collapsible and extendible hose, having two ends, for conveying waste wherein said first end of said hose is in communication with a waste flow controlling valve located on a passenger side of a vehicle and said second end of said hose routes substantially to a driver's side of said vehicle and is capable of extension beyond the driver's side of said vehicle.

[Emphasis added.]

Applicant submits that Schoellhorn fails to disclose the limitation of wherein said first end of said hose is in communication with a waste flow controlling valve located on a passenger side of a vehicle as Applicant has claimed.

Applicant submits that because Schoellhorn fails to disclose this limitation that Schoellhorn cannot anticipate what Applicant has claimed. Applicant respectfully requests allowance of independent claim 51, and claims 52, 54-55 which are dependent on claim 51.

Applicant's independent claim 56 recites

56. An apparatus for waste evacuation comprising:

a waste storage receptacle having an outlet;

a flexible extendible hose having a first end and a second end, said first end permanently proximally connected with said outlet; and

a nozzle having an input and an output, said second end coupled to said input.

[Emphasis added.]

Applicant submits that Schoellhorn fails to disclose the limitation of said first end permanently proximally connected with said outlet as Applicant has claimed.

Applicant submits that because Schoellhorn fails to disclose this limitation that Schoellhorn cannot anticipate what Applicant has claimed. Applicant respectfully requests allowance of independent claim 56, and claims 57-58, 60, 62 which are dependent on claim 56.

Applicant's independent claim 68 recites

68. An apparatus comprising;

a collapsible and extendible in length sewer hose having a first end connected at all times, and

a storage tube for housing said collapsible and extendible in length sewer hose.

[Emphasis added.]

Applicant submits that Schoellhorn fails to disclose the limitation of a first end connected at all times as Applicant has claimed.

Applicant submits that because Schoellhorn fails to disclose this limitation that Schoellhorn cannot anticipate what Applicant has claimed. Applicant respectfully requests allowance of independent claim 68, and claims 69-73 which are dependent on claim 68.

Claims 9-11, 20, 61, and 66 Rejections - 35 USC §103(a) – Schoellhorn in view of Nappi

The Office at 8 states:

8. Claims 9-11, 20, 61, and 66 are rejected under 35 U. S. C. 103(a) as being unpatentable over Schelhorn et al in view of Nappi et al. The claims are readable on the patent to Schoellhorn with the exception of a remote control for a solenoid actuated valve as taught by Figure 5 of Nappi et al. It would have been obvious to one of ordinary skill

in the art to modify the apparatus of Schoelhorn et al to include a remote controlled actuated valve for the apparatus of Schoelhorn et al as taught by Nappi et al to allow ease of control of extension of the conduit 42.

The cited references state in part:

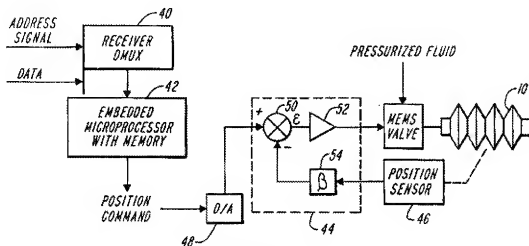


FIG. 5

Figure 5-Nappi

Applicant's claims 9-11, 20, 61, and 66 recite:

9. The apparatus of claim 6 wherein said valve assembly further comprises an electrically operable valve.
10. The apparatus of claim 9 further comprising a remote control device for operating said electrically operable valve.
11. The apparatus of claim 9, further comprising an interlock mechanism such that when

said nozzle assembly is stored in said nozzle housing said electrically operable valve is closed.

20. The apparatus of claim 19 further comprising a remote control device for operating said mechanism.

61. The apparatus of claim 60 further comprising controls for automatically extending and retracting said flexible extendible hose.

66. The method of claim 63 wherein said operating is controlled by a remote control.

With respect to claims 9-11, 20, Applicant submits that Schoellhorn fails to disclose an inherited limitation of claim 6 as discussed above. Schoellhorn in view of Nappi does not cure this defect and therefore claims 9-11, 20 are not obvious.

With respect to claim 61, Applicant submits that Schoellhorn fails to disclose an inherited limitation of claim 56 as discussed above. Schoellhorn in view of Nappi does not cure this defect and therefore claim 61 is not obvious.

Claims 37, 38, and 63-67 Rejections - 35 USC §103(a)

The Office at 9 states:

9. Claims 37, 38, and 63-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoelhorn et al. It would have been obvious to one of ordinary skill in the art to operate the apparatus of Schoelhorn by the recited method steps of claims 37-39 and 63-65.

Applicant's claims 37, 38, and 63-67 recite:

37. A method for waste evacuation comprising:

extending an extendible hose coupled to a nozzle assembly having a valve and a discharge nozzle;

mating said discharge nozzle with a receptacle for receiving waste;

operating said valve to control waste evacuation flow; and

when done retracting said extendible hose.

38. The method of claim 37 wherein extending and retracting further comprises using increased air pressure to extend, and reduced air pressure to retract said extendible hose.

63. A method for transferring waste comprising:

operating a second control to extend a hose;

placing said hose in a drain;

operating a third control to allow waste to flow through said hose into said drain;

removing said hose from said drain; and

operating a fourth control to retract said hose.

64. The method of claim 63 further comprising

operating a first control to open a door before said operating second control; and

operating a fifth control to close said door after said operating fourth control.

65. The method of claim 63 wherein said placing said hose into a drain further comprises placing a nozzle connected to said hose into said drain.

66. The method of claim 63 wherein said operating is controlled by a remote control.

67. A method for transferring waste comprising:

attaching one end of a collapsible and extendible in length hose permanently to a source of waste;

extending the other end of said collapsible and extendible in length hose;

placing said extended end of said collapsible and extendible in length hose in contact with a receptacle;

opening a valve to allow waste to flow through said collapsible and extendible in length hose into said receptacle;

removing said collapsible and extendible in length hose from contact with said receptacle; and

retracting said collapsible and extendible in length hose.

With respect to claims 37-38, Applicant submits that Schoellhorn fails to disclose the limitation of a nozzle assembly having a valve for claim 37. Thus regardless of operation of Schoellhorn does not make this obvious. Claim 38 also has this inherited limitation of claim 37. Schoellhorn in view of obvious operation does not cure this defect and therefore claims 37-38 are not obvious.

With respect to claims 63-66, Applicant submits that Schoellhorn fails to disclose the

limitation of a third control to allow waste to flow through said hose for claim 63. Thus regardless of operation of Schoellhorn does not make this obvious. Claims 64-66 also have this inherited limitation of claim 63. Schoellhorn in view of obvious operation does not cure this defect and therefore claims 63-66 are not obvious.

With respect to claim 67, Applicant submits that Schoellhorn fails to disclose the limitation of attaching one end of a collapsible and extendible in length hose permanently to a source of waste. Thus regardless of operation of Schoellhorn does not make this obvious. Schoellhorn in view of obvious operation does not cure this defect and therefore claim 67 is not obvious.

CONCLUSION

Applicant submits that the rejection of dependent claims not specifically addressed, are addressed by Applicant's arguments to the claim(s) on which they depend.

Applicant respectfully submits that all claims are in condition for allowance and requests such.

Communication via cleartext email is authorized.

Respectfully submitted,
Heimlich Law

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Date

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